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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/067,495

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Benjamin A. Horenstein

UF-266X

7011

23557

7590

01/10/2005

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EXAMINER

HARLE, JENNIFER I

ART UNIT

PAPER NUMBER

1654

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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01052004

DATE MAILED:

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**Commissioner for Patents**

See attached.

### DETAILED ACTION

Claims 1-5 and 21-71 are pending and were subject to an election of species and restriction requirement. On December 7, 2004, Applicant elected Group VII, claims 1-5, 21-22 and 24-26 drawn to a chemical compound of the formal wherein X, Y, and Z together make a pyrrolidine or pyrroline ring, which is fused with a cyclopropylene ring in class 548, subclass 452+ except where the R groups contain a sugar/sugar residue, nucleoside, nucleoside monophosphate, nucleoside diphosphate or nucleoside triphosphate and further elected the species wherein X=C; Y=N, Z=C,  $R_1=R_2=R_3=R_4=R_5=R_6=R_7=H$  and  $R_8=CH_2OH$ .

#### *Election/Restrictions*

1. Applicant's election of Group VII and the species wherein X=C; Y=N, Z=C,  $R_1=R_2=R_3=R_4=R_5=R_6=R_7=H$  and  $R_8=CH_2OH$  in the reply filed on December 7, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. The reply filed on December 7, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the elected species is not fully supported, i.e.,  $R_8=CH_2OH$  is not supported. This appears to be an inadvertent oversight in the amending of the claims, as  $R_1$ -  $R_8$  originally stated that the moiety was selected from the group consisting of among others substituted alkyl groups. However, in the amendment,  $R_8$  no longer contains this particular grouping or several others and thus lacks support for  $R_8=CH_2OH$ . See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which

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to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer I. Harle whose telephone number is (571) 272-2763. The examiner can normally be reached on Monday through Thursday, 6:30 am to 5:00 pm,.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on (571) 272-0974. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jennifer I. Harle  
Examiner  
Art Unit 1654

January 5, 2005